

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VNUS MEDICAL TECHNOLOGIES, INC.

No. C-05-2972 MMC

Plaintiff

v.

DIOMED HOLDINGS, INC., et al.,

**ORDER GRANTING IN PART AND
DENYING IN PART ANGIODYNAMICS'
MOTION TO FILE DOCUMENTS UNDER
SEAL; DIRECTIONS TO
ANGIODYNAMICS**

Defendants

Before the Court is defendant AngioDynamics, Inc.'s ("AngioDynamics") motion to file documents under seal, filed August 31, 2007. Having reviewed the Declaration of Brian Farley, filed September 5, 2007 by plaintiff VNUS Medical Technologies, Inc. ("VNUS"), 2007, the Court rules as follows:

1. AngioDynamics's motion is hereby GRANTED in part, specifically, as to the following documents that VNUS has shown contain material properly filed under seal:
 - a. Defendants' Reply Memorandum in Support of Joint Motion for Summary Judgment of Invalidity Under 35 U.S.C. §§ 112; and
 - b. Exhibits A, B, and C to the Declaration of Eric E. Grondahl in Support of Defendants' Reply Memorandum Regarding Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 112.
2. With respect to Exhibits A and C to the Declaration of Eric E. Grondahl, only a

1 portion of those exhibits are, for the reasons stated by VNUS, properly filed under seal.
2 Accordingly, AngioDynamics's motion is hereby DENIED to the extent AngioDynamics
3 seeks to file the entirety of said exhibits under seal. If AngioDynamics wishes the Court to
4 consider the portion of said exhibits not designated as confidential by VNUS, specifically,
5 any portion thereof not identified as confidential in the Declaration of Brian Farley filed
6 September 5, 2007, (see Farley Decl. Ex. ¶ 4), AngioDynamics is hereby DIRECTED to
7 electronically file in the public record such portion(s) no later than September 25, 2007.

8 3. AngioDynamics's motion is hereby DENIED to the extent AngioDynamics seeks
9 leave to file under seal Exhibit D, because VNUS has not claimed any portion thereof is
10 confidential. If AngioDynamics wishes the Court to consider such exhibit, AngioDynamics
11 is hereby DIRECTED to electronically file it in the public record no later than September 25,
12 2007.

13 **IT IS SO ORDERED.**

14
15 Dated: September 20, 2007


MAXINE M. CHESNEY
United States District Judge